UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/55/Add.1
11 February 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Agenda item 22

RIGHTS OF THE CHILD

Report of the Special Rapporteur, Mr. V. Muntarbhorn, pursuant to Commission on Human Rights resolution 1990/68

Addendum

Visit by the Special Rapporteur to Brazil

GE. 92-10552

Introduction

1. Between 5 and 18 January 1992, the Special Rapporteur made a visit to Brazil to study the question of sale of children, child prostitution and child pornography. The mission was undertaken at the invitation of the Government of Brazil.

2. The Special Rapporteur thanks the Brazilian authorities warmly for the hospitality offered and for the free and constructive interchanges established throughout the visit. During the two weeks in Brazil, trips were made to various parts of the country, including Brasilia, Porto Allegre, San Paolo, Recife, Salvador and Rio de Janeiro. A variety of governmental and non-governmental organizations met the Special Rapporteur during the visit. He also established a useful dialogue with a number of street children and child prostitutes to learn of concrete experiences and suggestions for reform as perceived by the target groups of concern to his mandate. Particular gratitude is expressed to the Ministry of Foreign Affairs, the Brazilian Centre for the Child and Adolescent (CBIA), United Nations Development Programme and Defence for Children International for helping to coordinate the field visits.

3. At this juncture, some of the constraints facing the mission may be noted:

(a) Although much ground was covered during the two-week visit, one geographical area omitted from the trip was the Amazonian region. This was in part due to the fact that during the preparations for the trip, many of the suggestions for field visits referred to the north-eastern and southern parts of the country (e.g. Recife, Salvador, Sao Paolo, Rio de Janeiro and Porto Allegre) rather than the Amazonian region (i.e. the north and north-west). However, upon arrival, the Special Rapporteur learnt that many of the problems of concern to the mandate were also to be found in that region. Even though no visit was made to the region, in this report he endeavours to cover that geographical area, based upon information available, so as to provide a more balanced outlook.

(b) The visit to Brazil took place immediately before the 1992 session of the United Nations Commission on Human Rights. This implied that the report concerning the mission had to be written almost immediately after the trip; it had to be submitted by the beginning of February so as to be in time for distribution to participants at the Commission in February. This constraint meant that the research for the report had to be completed in a very short time;

(c) Much of the literature available on the Brazilian situation at the time of the preparation of this report was only to be found in the Portuguese language. This linguistic difficulty indicated that access to the written sources of information was limited in scope. Much of the report is thus based upon oral and circumstantial evidence gathered during the two-week visit. This has been supplemented by documentary information in English and Portuguese available at the time of preparation of the report.

Situation

4. The issue of sale of children, child prostitution and child pornography in Brazil can only be truly understood if one bears in mind the broad array of political, socio-economic, and cultural problems facing the country. No less important are the historical antecedents, including a long period of colonization and slavery (particularly the movement of slaves from Africa to Brazil until the end of the nineteenth century), which have shaped much of the contemporary scenario relevant to the fate of children and their families.

5. The country has a huge land mass and a population of nearly 150 million people. There is a mosaic of different peoples who trace their ancestry to the different phases of development in Brazil. These include the indigenous group, namely the Indians who inhabit mainly the Amazonian region; those of European descent, including immigrants from Portugal and other Western European countries (many of whom are to be found in the south-eastern part of the country); those of Asian descent, primarily Japanese; and a large mass of those of African origin (many of whom are to be found in the north-eastern part of the country). The last group in particular traces its roots in Brazil to the time when there was close trade between Brazil and West Africa, accentuated by the fact that Brazil and various African nations were previously Portuguese colonies.

6. Until the mid-1980s the country was under military rule for two decades. This inevitably had substantial impact on the types of laws and policies concerning children and their families. The current Government under President Collor is part of a more recent process towards democratization. This bodes well for the official attitude towards laws and policies concerning children and their families. In terms of political will, the more democratic tenets of government in present-day Brazil reflect a welcome orientation towards democracy and popular participation, not least in regard to child development.

7. On the socio-economic front, the vestiges of the past indicate broad disparities between the haves and have-nots, which ultimately have repercussions for children. As noted by the 1991 World Development Report: "In 1980 the South-eastern region of Brazil (with about 40% of the people) had an estimated per capita nominal income more than three times that of the North-eastern region (30% of the people)". 1/ The 1991 Human Development Report adds the following: "The top fifth of the population in Brazil earns 26 times more than the bottom fifth". 2/ This is aggravated by a great concentration of land holdings in the hands of the very few, coupled with a high birthrate and increasing marginalization of rural groups. This has led to an extensive influx of rural people to urban areas in search of employment. One consequence is the large number of people in slums on the periphery of major cities and a multitude of homeless people inhabiting the streets, particularly street children of Afro-Brazilian origin.

8. Externally, the country is faced with an enormous debt incurred by previous administrations and a concentration of power and decision-making in the big cities. The scenario is encapsulated as follows: " The economic problems of the 1980's have hit this (Latin American) region very hard. The debt crisis, high interest rates, barriers raised against Latin American

exports and low commodity prices - all wrought havoc with some of the region's past achievements in human development. Average inflation rates soared above 100% during the 1980's in Brazil...eroding real wages and discouraging investment". 3/

9. This has been compounded by the structural adjustment policies imposed by world financial institutions which have curtailed national allocations for social development expenditure, particularly in relation to child and family subsidies. Together with the current recession, including a high level of unemployment and pervasive social inequality, it is not difficult to conclude that both external and internal socio-economic difficulties pose major obstacles to the governmental and non-governmental sectors dealing with children. These impediments take their toll in regard to the children of concern to the Special Rapporteur's mandate.

10. The most tragic consequences are to be found in relation to the violence suffered by children at three levels: first, social violence which is a consequence of societal defects affecting the livelihood of children, e.g. poverty, infant and child mortality, and unfulfilled needs such as access to education and health facilities; second, domestic violence which entails the physical and mental disintegration of families due to economic and other pressures; third, personal violence which includes physical and mental harm suffered by individuals. All three forms of violence are particularly pertinent in view of injuries inflicted upon many street children. They have been highlighted both nationally and internationally by the killings of street children in various parts of the country in recent years. The fact that these killings persist today and that many of the perpetrators remain at large is a most disquieting sign of the times. As the sale of children, child prostitution and child pornography are often linked to life in the streets, the menace faced by street children requires urgent action to deal with the issue. 4/

Law, policy and practice

11. Since the advent of the Collor Government, a number of innovative laws and policies responsive to the needs of children and their families have come into existence. In regard to the Special Rapporteur's own mandate, it may be observed that Brazilian laws and policies are often progressive and, in principle, offer a degree of protection to children. However, there is evidently a gap between theory and practice; there are many areas of law enforcement and policy implementation which leave much to be desired. The greatest challenge is to ensure that the array of laws and policies is truly operational.

12. Two innovations of note in the legal field have emerged under the present administration. The 1988 Federal Constitution set the national priority reflecting the concerns of the (then draft) Convention on the Rights of the Child by stipulating in article 227: "It is the duty of the family, society and the State to guarantee the child and the adolescent, with absolute priority, the rights to life, health, food, education, leisure, professional training, culture, dignity, respect, freedom, family and social life, and to protect them from all forms of negligence, discrimination, exploitation, cruelty and oppression."

13. This was further advanced by the 1990 Statute of the Child and Adolescent. This law is a major departure from the previous Minor's Code which was paternalistic in outlook and which tended to discriminate against children in difficulties. The new law offers protection to children (defined as those up to 12 years of age) and adolescents (defined as those from 12 to 18 years of age). This law has substantial impact on all areas of concern to the Special Rapporteur's mandate. Its progressive tone is indicated as follows. The Statute abolished the notion of children in an "irregular situation" and the stigma attached to all poor children. It is based on the principle that children are citizens and, therefore, must enjoy basic rights, regardless of their social origin. It also recognizes that child citizens must enjoy rights to special protection, consistent with their evolving physical and mental development. In keeping with the Constitution, the Statute reaffirms that children should be given "absolute priority". 5/ This has been bolstered by Brazil's ratification of the Convention on the Rights of the Child and its active participation at the World Summit for Children in 1990.

14. In 1991 the Government formalized a national plan to prevent and reduce violence against children and adolescents. 6/ This encompasses a social policy to help children and adolescents in the fields of education, health, employment and family care. Special protection is accorded to those in need, with emphasis on the protection of human rights and provision of social security. Emergency action includes the creation of commissions at the state level to tackle the issue of violence. Institutional and support programmes are influenced by the call for more decentralization, legislative reform and establishment of special units to help children in need, including state and municipal Councils on the Rights of the Child and Adolescents and Tutelary Councils. While this policy does not target the sale of children, child prostitution and child pornography specifically, there is an inevitable linkage, as the violence factor and correlative countermeasures have impact on children of concern to these three areas.

15. As Brazil has a federal system, the interrelationship between the dederal Government, states and municipalities is all important in terms of law and policy enforcement. The practical implementation of laws and policies concerning child development and protection has to be measured particularly at the state and municipal levels. At times, there is a divergence between the aspirations at the federal level and the practices to be found at the local level. The issue is linked with the different groups of law enforcement personnel. Officially, the country has three police forces: the federal police which deals primarily with inter-state and international aspects of law enforcement (e.g. international trafficking in children), the military police which has a preventive role particularly in regard to the apprehension of violators of the law, and the civil police which has an ex post role to follow up cases once incidents have taken place. It is the military police which tends to patrol the streets, while the civil police deals with other issues such as child prostitution and child pornography.

16. Unofficially, there is a fourth group of law enforcement personnel: paramilitary or police personnel who act as security guards when their official duties are completed for the day. The scenario in terms of these four groups of police personnel, especially the military police and paramilitary

police, is alarming. At times, there is an alliance between members of the police force and sectors of the community, including business interests, which has an impact on the safety of street children, especially as the latter are seen as a nuisance in the eyes of some members of the community.

17. During the Special Rapporteur's visit, both the governmental and non-governmental sectors indicated that there was a disconcerting gap between laws/policies and their enforcement. The efficacy of law enforcement is conditioned by the quality of the law enforcement personnel itself. Often the police are underpaid and come from economically disadvantaged sectors of the community; to some members of that group, protection of children is not necessarily a priority , precisely because they have other interests at hand. The role of the judiciary and lawyers also deserves attention, as there remain various grey areas, particularly in regard to implementation of the Statute, where their performance leaves much to be desired.

Sale of children

18. The area of concern to the Special Rapporteur's mandate comprises the following: sale for adoption, child labour exploitation, sale for organ transplantation, and other cases.

(a) Sale for adoption

19. Numerous reports concerning the sale of Brazilian children for adoption, particularly in Western countries, can be found. Allegations include the operations of various intermediaries, including adoption agencies, lawyers and judges, as conduits for the flow of Brazilian children to other countries. According to one estimate, some 10,000 children have left the country in the past five years, not all of them legally. 7/

20. Both the governmental and non-governmental sectors which met the Special Rapporteur during his visit confirmed the truth concerning many of these reports. However, they also noted difficulties in securing evidence to prosecute the perpetrators at the local level.

21. In legal terms, the situation has improved with the enactment of the Statute of the Child and Adolescent. Inter-country adoptions are now considered as an exceptional measure, and the priority groups would be abandoned and handicapped children; local adoptions are to be explored first and foremost. The Statute establishes a greater role for the judiciary in supervising adoptions; a judicial decision in Brazil is necessary if the adoption is to be effective. The trial period for adoptive parents to live with the prospective adoptee must also take place on Brazilian territory. By article 46(2) of the Statute: "In the case of adoption by foreigners resident and domiciled abroad, the trial period of common living to be completed within the national territory will be a minimum of fifteen days in the case of children up to two years of age, and a minimum of thirty days when the party being adopted is more than two years of age."

22. Although the law does not explicitly prohibit the use of intermediaries, the presumption is that such intermediaries will be discarded and prospective adoptive parents compelled to resort to the judicial channels only. At the state level, there is an initiative (as in Sao Paolo) to evaluate the

performance of adoption agencies with a view to registering them and preventing them from abuses. In the case of inter-country adoptions there are official efforts to monitor potential adoptive parents. However, once children leave Brazil, monitoring becomes problematic and depends upon bilateral arrangements between Brazil and the countries of origin of the adoptive parents. This has to be seen in the framework of The Hague Conference on inter-country adoptions which may lead to an international convention to facilitate more multilateral and bilateral cooperation of this kind.

23. The Statute provides for the establishment of councils at the state and municipal levels to act as a kind of community watchdog to protect children from abuses. Some of these councils are now being established and exemplify a future role for community participation in safeguarding children from trafficking through adoptions. Some municipalities (e.g. in Recife) have also established a registry for adoptions as a method of monitoring. There is evidence to suggest that if a registry is established, the whole process becomes more transparent and easier to supervise. Indeed, unscrupulous intermediaries may then move to other areas where there are no registries, in search of other candidates for adoption. This suggests the need for registries in all municipalities to prevent this type of evasion.

24. In the light of the new law, the prospects seem brighter in terms of the procedures to control adoptions and prevent the sale of children, particularly in transfrontier cases. However, more preventive action is required: family planning facilities, anti-poverty measures and occupational opportunities to assist families to keep their children rather than resort to giving them up for adoption as a means of survival. In the remedial field, there remain the challenge of law enforcement and the need for vigilance to tackle the residual group who still seek to circumvent the law, especially when the official process is too slow.

(b) Exploitation of child labour

25. The situation concerning exploitation of child labour in Brazil resembles that of many other countries: although the law provides protection against such exploitation, the practice is often otherwise. 8/ In the agricultural sector, there are reports of using child labourers to harvest crops, including cutting sugar cane. In the Algoas region, press reports indicate that there are some 50,000 children being exploited in sugar cane plantations. 9/ In the industrial sector, various industries such as glass and textile manufacturing also exploit child labourers. If one bears in mind the multitude of street children who are potentially or actually child labourers, the numbers are daunting. Their occupations range from the more salutary, such as selling wares and undertaking menial tasks (e.g. collecting garbage and washing cars) on the streets to the less salutary , such as offering sexual services, peddling drugs and indulging in criminal acts. Many of these activities fall within the informal sector which is beyond the scope of the law mentioned. Another group of concern is children who are employed as domestic servants and who are at times physically and mentally abused. The situation is compounded by the fact that access to child labourers is often difficult where small scale activities which are "invisible" are involved.

26. The plight of child labourers is very much linked to the material needs of families. Directly or indirectly, poor families often push their children to search for work to subsidize the family income. This impedes the child-rens development in the context of their right to education ,and even where they attend school, there is a high rate of absenteeism or drop-out. Any attempt to overcome the child labour problem is related to the need to eradicate poverty, provide alternative occupations and income for families, and facilitate access to appropriate education for the children of this group. This implies a need not only for formal schooling, but also flexible non-formal education and work-related activities.

27. While there is no comprehensive labour code dealing with the issue, the current Statute of the Child and Adolescent prohibits the employment of those under 14 years of age, except where they train as apprentices. The Statute promotes the use of scholarships to help children working as apprentices and even for those over 14 (until the age of 18), there are specific prohibitions where the type of work is dangerous, e.g. night work. However, at the international level, Brazil has not yet signed International Labour Organisation Convention No. 138 which establishes basic benchmarks for the protection of child labourers.

(c) Sale for organ transplantation

28. Prior to the visit to Brazil, the Special Rapporteur was aware of various allegations concerning the sale of children for organ transplantation in Brazil. During his trip to Brazil, he endeavoured to examine the evidence provided by both the governmental and non-governmental sectors. The former stated that despite various inquiries, no case had been proved concerning such allegations. The non-governmental organizations which met the Special Rapporteur were unable to provide further concrete evidence.

29. This is an area where vigilant preventive measures are most important. The Criminal Code of the country already provides an umbrella of protection for children against physical abuses. Generally, organ transplantation in Brazil is only allowed in cases of "brain death" and in contingent upon the consent of the donor or his/her family. More monitoring is required in this field as part of preventive action.

(d) Other forms of sale

30. There may be other forms of sale which do not fall neatly into the above categories. One example is the sale of girls for marriage via newspaper advertisements. This overlaps with the sensitive issue of press freedom, as discussed below in the context of child pornography. It may be argued that further action can be taken to prevent children from being exploited in this process. Such advertisements may also be considered to be in breach of the spirit of the Statute of the Child and Adolescent, which prohibits the exploitation of children.

31. On another front, during his trip the Special Rapporteur came across various reports of disappearance and abduction of children, particularly from hospitals in the north-east of Brazil, which may be linked with the sale of children. Although this practice is unequivocally illegal, investigations by police and others are often slow and ineffective. A registry of these cases is needed along with more transfrontier cooperation between law enforcement personnel to monitor the situation.

Child prostitution

32. In the course of his visit to Brazil, the Special Rapporteur discussed this issue with child prostitutes themselves, as well as with an array of governmental and non-governmental organizations. It was evident from both governmental and non-governmental sources that the problem is extensive in all urban areas. Less well known is the dilemma of children in rural areas, particularly in the Amazonian region. A large number of these are servicing camps which house those involved in mining activities or garimpos. One source estimates that there are some 600,000 child prostitutes in the country. 10/ However, statistics in this field should be treated with care, as the methodology for establishing the figures is often unreliable. Nevertheless, it should be recognized that both quantitatively and qualitatively, the situation is serious. It is all the more precarious because of the rapid spread of AIDS in the country.

33. As in other countries, poverty seems to the major underlying cause. However, there is a need to distinguish between those who resort to prostitution as a means of survival (in many cases, a full-time activity) and others who become prostitutes for other reasons (in many cases, a part-time activity, usually for quick money, although not as part of a subsistence need). In urban areas, this affects many street children, particular those of Afro-Brazilian origin. In rural areas, the situation is aggravated by the presence of a large number of child prostitutes near mining activities, particularly the children of Indian groups and those of mixed origin.

34. Although there is no explicit national policy to counter child prostitution, the national policy to combat violence against children and adolescents has a bearing on the issue, especially as social strategies to upgrade people's livelihood and action to protect children's rights necessarily interact with the need to prevent the children of poor families from resorting to prostitution, on the one hand, and to remedy the situation through proper rehabilitation once the problem has taken place, on the other hand.

35. The general legal provisions of the Statute on the Child and Adolescent also apply to child prostitutes. Article 5 states that "no child or adolescent will be subject to any form of negligence, discrimination, exploitation, violence, cruelty and oppression, and any violation of their fundamental rights, either by act or omission, will be punished according to the terms of the law." Although adult prostitution is not illegal per se in Brazil, it is prohibited in the case of children and adolescents. However, exploitation of prostitutes (whether adult or not) by third parties is illegal and reflects the tone of the 1949 Convention for the Suppression of the Traffic in Persons and of the Explopitation of the Prostitution of Others, which Brazil has ratified.

36. This is reinforced by the provisions of the Criminal Code concerning the corruption of minors. Various articles of the Criminal Code protect those between 14 and 18 years of age from corruption by adults. In practice, however, law enforcement is weak, and even if there is an absolute prohibition against intermediaries and procurers, the responsibility of the customer is equivocal. There is also a strange legal technicality whereby if a child is already a prostitute, he/she is deemed to be corrupted already. Therefore, this would exonerate those who exploit the child subsequently.

37. Much will depend upon how the local police deal with the issue. At times, they are faced with prostitutes from other municipalities or states. If child prostitutes are caught in this process, they are sent back to their place of origin. However, there is no effective monitoring to trace what happens to them after this is done. There may also be some hidden cases of child prostitutes who manage to travel to other countries, in Europe and beyond, as part of the current trafficking in prostitutes from South America to other parts of the world.

38. The presence of child prostitutes is linked to the demand factor; this has transnational implications. For example, paedophiles travel to Brazil in search of sexual services while at the same time there is an outflow of prostitutes from Brazil to other countries as part of the process of illegal migration. Criminals, both local and international, are known to operate as a channel for such flows.

39. The scenario indicas a need for more effective law enforcement at the local level and cooperation with police in other countries, in coordination with Interpol. Tourist agencies and consumer groups need to provide more inputs to identify cases of child prostitution , and to exert pressure on agencies and customers who indulge in the sexual exploitation of youngsters. From another standpoint, preventive action by means of socio-economic help for children and their families before they land up in prostitution needs to be maximized.

Child pornography

40. Sporadic cases of child pornography appear in Brazil. One case which was related to the Special Rapporteur during his visit concerned the use of a child in a pornographic film in the region of Sao Paolo. The variety of pornography ranges from films to videos and live performances.

41. The law is clear on the subject: the practice is forbidden. The provisions of the Criminal Code on corruption of minors, already discussed in the context of child prostitution, may also be applied to child pornography. The penalties stipulated by the Statute of the Child and Adolescent are directed against those who "produce or direct theatre or television plays or cinema films, utilizing a child or adolescent in scenes of explicit or pornographic sex " (article 240) and "photograph or publish scenes of explicit or pornographic sex involving a child or adolescent" (article 241).

42. A major problem concerning the implementation of these provisions is the parameter of what should be permissible in a democratic society. In view of the past limitations imposed upon freedom of expression during the military era, there is now a cautious approach towards any action that can be construed as a constraint upon freedom of expression. However, it is submitted that measures against child pornography do not detract from freedom of expression, and should be seen as an area where the rights of the child need protection from encroachments instigated by the action of others.

43. The issue of child pornography is closely related to the other groups of concern to the Special Rapporteur's mandate. For example, it is well known that child prostitution may lead to child pornography and vice versa. In Brazil, the large numbers of street children suggest that the menace of sexual exploitation is ever-present. An additional loophole is that, as in many

other countries, the current law does not make consumers liable for possession of pornographic materials. Future strategies will thus depend not only upon more effective socio-economic action to alleviate the plight of children and their families but also upon better law enforcement and mobilization of the community, including consumers, to be on guard against sexual exploitation in this area.

Recommendations

44. The following are the recommendations of the Special Rapporteur:

(a) General

1. More emphasis should be placed on interdisciplinary action to tackle the root causes of child exploitation. This includes socio-economic measures, coupled with appropriate budgetary allocations for child and family development to satisfy basic needs and elevate their quality of life.

2. At the national level, the priority of child development and protection raises fundamental issues of social justice and equity, including the need for better income distribution, child and family subsidies, access to education, family planning and health facilities, occupational means, and reallocation of land holdings and other resources to reduce the gap between the rich and the poor.

3. At the international level, debt servicing and structural adjustment measures should respond more concretely to the plight of children and their families at the local level. World financial institutions and development agencies need to address the paradox whereby conditions are imposed upon Brazil with a view to macro-economic adjustment which concomitantly impede the measures required to promote child and family development at the micro-economic level.

4. More emphasis should be placed upon preventive action which is interrelated with the variety of measures already noted in the interdisciplinary setting. From the perspective of remedial action, easier access to courts and other places providing help should be ensured along with the provision of legal aid and other assistance. This should be coupled with counselling and occupational and other measures to help children and their families return to a normal life.

5. Law enforcement should be improved with more training of law enforcement personnel, including police, judges and lawyers. Measures should be taken against law enforcement personnel who abuse the law for their own ends. This should entail the identification or establishment of an independent entity (e.g. an ombudsman) who would hear the grievances of the public against such persons. More incentives (e.g. higher pay and rewards for exemplary conduct) should be provided to promote better performance. More specifically concerning the plethora of police categories found in Brazil, attention should paid to the need to democratize the police force and to convert military elements into civilian elements, as well as to increase the number of women on the force.

6. More forums for police and other personnel should be established to exchange ideas and information between different states in the federal system, as this may facilitate cooperation in regard to transfrontier cases. A similar approach may be used for the police forces of different countries and for Interpol.

7. The role of non-governmental organizations and community initiatives is already recognized and should be maximized in partnership with governmental organizations. The business sector should be encouraged to become more involved in assisting child-related activities. Tax deductions and other incentives should be promoted for both the non-governmental and private sectors.

8. There should be local and national databases in the areas of concern to this mandate. The governmental and non-governmental sectors are encouraged to collect data on the issues dealt with in this report. This should lead to an annual national report on the sale of children, child prostitution and child pornography which would be made available to the Special Rapporteur and the world community.

9. Although the issue of killings and other assaults on street children per se is beyond the purview of this study, the linkage between these children and the three sectors of this mandate raises legitimate concerns for their safety. National agencies are invited to take more effective action to protect these children. At the international level, international organizations, including the various human rights organs of the United Nations, should take greater interest in the issue and promote correlative action to protect this group of children. A disquieting feature of attacks against street children is that the majority are directed against those of Afro-Brazilian origin. The marginalisation of this group calls for more measures to help the children and families of this category which tends to be relegated to the lower socio-economic stratum of Brazilian society.

(b) Sale of Children

10. Registries of children and families involved in adoptions should be established at the municipal, national and international levels.

11. Monitoring and tracing of adoptions should be promoted at all levels both before and after the adoption procedure is completed. At the national and local levels, the establishment of various councils to protect children, as envisaged by the Statute of the Child and Adolescent, can be utilized in this respect. At the transnational level, more multilateral and bilateral agreements to ensure follow-up evaluation are required in regard to inter-country adoptions.

12. Supervision of the intermediaries and prevention of abuses by these entities should be promoted. This should be seen in the light of the draft international convention on inter-country adoptions which seeks to compel the accreditation of intermediaries and the monitoring of their operations through central agencies in each country as part of the supervisory process.

13. Inter-country adoptions should only be explored after local adoption possibilities are exhausted. Where possible, measures should be promoted to assist families to exercise the option of retaining their children without resorting to giving them up for adoption; this entails more socio-economic assistance and sponsorship by private individuals and other entities, both nationally and internationally.

14. In regard to the exploitation of child labour, more attention should be paid to children working in various agricultural and industrial sectors, including sugar cane plantations and small-scale factories. The plight of children used as domestics deserves more attention. The close relationship between the multitude of street children and various forms of work (and related exploitation) needs further scrutiny.

15. As part of the social security framework, more child and family subsidies are required to alleviate the economic burden imposed on child labourers and to facilitate their access to education. Educational programmes need to be made more flexible and occupation-related so as to respond to the socio-economic needs of children and their families.

16. More vigorous action to prevent the sale of children for organ transplantation is required. This should incorporate the guidelines enunciated by the World Health Organization concerning human organ transplantion.

17. At the municipal, state and federal levels, registries to document disappeared children should be established and assistance provided to their families.

(c) Child prostitution

18. Stronger measures are needed to implement the existing law and policy to protect children in this group. This entails the prosecution of intermediaries, on the one hand, and the need to discourage customers from using the services of child prostitues, on the other hand. Rehabilitation measures,coupled with long-term monitoring, should take the form of community participation and assistance rather than institutionalization in state or federal institutions.

19. Tourist agencies should be called upon to exert pressure against sex tourism. This should involve world tourist organisations so as to mobilize travel agents and the service sector to counter the transnationalization of child prostitution.

20. Monitoring of child prostitution requires more effective cooperation between local and federal police in internal cases, and between the police forces of different countries in external cases. The cooperation of Interpol is also crucial in this respect.

21. Dissemination of information on AIDS should be maximized. For those who have tested HIV positive, anti-discrimination measures need to be implemented, coupled with assistance measures in the form of hospices and occupational activities.

22. The responsibility of the customer, whether through legal sanctions or incentives for behavioural change, should be promoted. The notion of "consumer liability" should be propagated more broadly through the use of the mass media.

(d) Child pornography

23. More effective law enforcement calls for more community vigilance in this field. This includes raising of community consciousness and involvement of the mass media in identifying abuses.

24. Laws and policies should prepare for the advent of new forms of technology which may result in child pornography, e.g. computers used for such purpose.

25. The responsibility of the customer should be enhanced, as already indicated above.

Notes

1/ World Bank, World Development Report (Oxford: Oxford University Press, 1991), pp.40-41.

2/ UNDP, Human Development Report 1991 (Oxford: Oxford University Press, 1991), p.34.

3/ Ibid.

4/ See further: Centre for the Mobilization of Marginalized Populations (CEAP), The Killings of Children and Adolescents in Brazil (Rio: CEAP, 1988); M. Alvim, Da Violencia contra o Menor Exterminio de Criancas e Adolescentes (Rio: CBIA, 1991).

5/ A. Gomes da Costa and B. Schmidt-Rahmer, "Brazil: Children Spearhead a Movement for Change", in UNICEF, The Convention: Child Rights and UNICEF Experience at the Country Level (Florence: UNICEF/Innocenti, 1992), pp.35-45;42.

6/ A. Guerra, Combating Violence against Children and Adolescents in Brazil Today (Brasilia: Ministry of the Child, 1991).

7/ The estimate is from an experienced governmental source. See further: Time (4 November 1991), pp.40-42.

8/ UNICEF, O Trabalho e A Rua (Brasilia: UNICEF, 1992).

9/ Folha do Sao Paolo (23 November 1991), p.2; Jornal do Brasil (22 September 1991), p.1.

10/ As cited in M. Lemineur, Child Prostitution in Brazil (LLM. dissertation, 1991), p.12.